

# SENATE BILL REPORT

## SSB 6544

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As Passed Senate, February 15, 2008

**Title:** An act relating to the seriousness level of criminal mistreatment.

**Brief Description:** Increasing the sentencing range for first degree criminal mistreatment.

**Sponsors:** Senate Committee on Judiciary (originally sponsored by Senators Stevens, Honeyford, Pflug, Delvin, Holmquist, McCaslin, Swecker and Roach).

**Brief History:**

**Committee Activity:** Judiciary: 2/06/08, 2/08/08 [DPS].

Passed Senate: 2/15/08, 48-0.

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 6544 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, McDermott, Roach and Weinstein.

**Staff:** Lidia Mori (786-7755)

**Background:** The presumptive standard sentencing range for ranked felonies is determined by the seriousness level of the offense and the offender's specific criminal history (offender score). Criminal mistreatment in the first degree is a class B felony ranked at seriousness level IX. If a person is convicted of criminal mistreatment in the first degree and has no prior felony convictions, he or she would be sentenced to a period of 31 to 41 months, absent any facts supporting an aggravated sentence or mitigating circumstances.

A person is guilty of first degree criminal mistreatment if he or she recklessly causes great bodily harm to a child or dependent person by withholding any of the basic necessities of life. The person must be a parent of a child, the person entrusted with the physical custody of a child or dependent person, a person who has assumed the responsibility to provide to a dependent person the basic necessities of life or a person employed to provide to the child or dependent person the basic necessities of life.

**Summary of Substitute Bill:** The offense of criminal mistreatment in the first degree is ranked a seriousness level XII.

**Appropriation:** None.

**Fiscal Note:** Requested on February 5, 2008.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: This bill comes out of a sad case in which a young boy was very nearly starved to death. The minimum sentence for a crime such as this should be ten years.

CON: Notwithstanding the egregious nature of this crime, the bill takes the discretion away from the trial court. We already have a mechanism in place to give much greater jail time than the standard sentence range.

**Persons Testifying:** PRO: Senator Val Stevens, prime sponsor.

CON: Zachary Fleet, Washington Association of Criminal Defense Lawyers.